

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

KATHERINE ALLEN,  
and on behalf of Doe,

Plaintiff,  
vs.

CIVIL NO. 10-727 BB/LFG

BILL PAPATHEOFANIS,  
aka Basili Yianni Papatheofanis Basilius,

Defendant.

**REPORT AND RECOMMENDATION<sup>1</sup>**  
**AND ORDER VACATING SCHEDULING CONFERENCE**

On November 1, 2010, the Court entered an Order Imposing Sanction [Doc. 13] on Plaintiff Katherine Allen (“Allen”) and reset a Fed. R. Civ. P. 16 scheduling conference. The Court’s order was issued due to Allen’s failure to meet and confer as required by Fed. R. Civ. P. 26(f); failure to comply with the terms of the Court’s Initial Scheduling Order [Doc. 8]; failure to make mandatory initial disclosures as required by Fed. R. Civ. P. 26(a); and failure to cooperate in the preparation of a Joint Status Report.

Although Allen was required by an earlier Order to Show Cause [Doc. 10] to file a response and supporting affidavit no later than October 22, 2010, she did not respond to the Court’s order, and the Court concluded that sanctions under Ehrenhaus v. Reynolds, 965 F.2d 916, 920 (10th Cir. 1992), were appropriate. Allen neither responded to the Court’s Order to Show Cause nor did she seek any extension of time within which to comply. Instead, on October 30, 2010, well beyond the

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<sup>1</sup>Within fourteen (14) days after a party is served with a copy of this analysis and recommended disposition, that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such analysis and recommendation. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the analysis and recommendation. If no objections are filed by December 3, 2010, no appellate review will be allowed.